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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,283	01/14/2004	Frederick C. Griesemer	2003-0525.02	5477
21972 7590 02/06/2008 LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			EXAMINER ZHU, RICHARD Z	
			ART UNIT 2625	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/757,283

Applicant(s)

GRIESEMER ET AL.

Examiner

Richard Z. Zhu

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Acknowledgement*

1. Acknowledgement is made of applicant's amendment made on 12/20/2007. Applicant's submission filed has been entered and made of record.

### *Response to Applicant's Arguments*

2. Applicant's arguments with respect to Claim 11 is persuasive, relevant rejections made under 35 USC 102(b) are withdrawn. New grounds of rejections under 35 USC 103(a) are enter in view of applicant's amendment to the claims.
3. Applicant's arguments with respect to the rejections made under 35 USC 103(a) had been duly considered, however, they are unpersuasive.

**With respect to the argument set forth against the rejection of Claim 28, the** applicant argued that *Hideki* teaches away from applicant's invention. The examiner respectfully disagrees. The applicant's invention is directed toward a slidable scanner bed. *Hideki* teaches a slidable scanner bed to eliminate the need to open and close the scanner bed in a vertical fashion, exactly the same reason as the applicant's reason for inventing a slidable scanner bed for eliminating the disadvantages of clam shell designs, whereas the scanner bed of *Hideki* also performs substantially the same function of a scanner lid. Furthermore, the applicant claimed "a scanner bed slidably connected to said base housing having a pivoting scanner lid" whereas pivot is defined as a "pin, point, or short shaft on the end of which something rests and turns, or upon and about which something rotates or oscillates" by [www.dictionary.com](http://www.dictionary.com), which is exactly what scanner section 1 is, an oscillating or pivoting

scanner lid resting on the printer section 2. Finally, *Hideki* disclosed opening the scanner bed in such a manner is to eliminate the use of dampening mechanisms, which is the spirit of both the applicant's and *Hideki*'s invention, whereas scanning book is mentioned as one example of secondary consideration. As such, the teachings of *Hideki* demonstrated that the prime inventive concept, disclosed or claimed, does not possess novelty or inventive step.

**With respect to the argument set forth against the rejection of Claim 1**, the applicant argued that *Hideki* does not have a biasing mechanism. The applicant's disclosure shows the biasing mechanism being a spring. Indeed, *Hideki* does not disclose a biasing spring, however, neither did the applicant's claim. As far as the examiner was concerned, a biasing mechanism is any mechanism that allows or drives the scanner bed to move from one position to another. Therefore, the examiner's citation of *Hideki* is enough to read on the claim. See MPEP 2145, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

*See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).*

Furthermore, assume that the applicant claims in Claim 1 that the biasing mechanism are springs as claimed in Claim 36, *Goshima* discloses such spring as biasing mechanism (**Fig 44, Springs 613**).

**Claim 2 is cancel so no response is expected from the examiner.**

**With respect to the argument set forth against the rejection of Claim 3**, if Claim 1 is not allowable, then Claim 3 is not allowable.

**With respect to the argument set forth against the rejection of Claim 4**, online dictionary [www.dictionary.com](http://www.dictionary.com) defined "engage" to mean to cause (gears or the like) to

become interlocked; interlock with. The examiner's citation clearly shows that roller shaft 6 or track extending through base housing 2 and slidable engaging or interlocking rail 7 by means of rollers 5.

**With respect to the argument set forth against the rejection of Claim 5,** the examiner interpreted "cover" to mean a layer that is used to insulate the internal components of the printer section from outside exposure. As such, the examiner directs the applicant's attention to Figs 1-5 as well as Fig 15 of *Goshima*; if Printer Section 2 or base housing 2 do not have an insulating layer or a cover, how are the rollers, roller shafts, and the rails supported on top of the printer section? And how are the internal components insulated from outside exposure? Furthermore, the applicant argued in Claim 28 that *Hideki* has a slidable scanner bed "wherein the scanner portion slides out of the way for scanning/copying of thick materials, such as books". Viewing in light of applicant's understanding, if there is no cover to shield the internal components of Print Section or Base Housing 2 from the book and to support the book on a flat surface so that it can be scanned, *Hideki* is disabled. The examiner contends that there must be a cover or harden surface that supports the rails and the shafts, support the books, and shield the internal components of printing section 2 from the rails, shafts, and the books.

**With respect to the argument set forth against the rejection of Claim 6,** considering the fact that rail 7 being a part of Scanner Section 1 as shown by Fig 2a on either side of the scanner section and being at the very bottom or the lowest surface of the scanner bed, the examiner believes it would be reasonable to interpret roller shaft 6 being located at the lower surface of the scanner section 2.

**Claim 7** is not allowable because Claim 1 is not allowable.

With respect to the argument set forth against the rejection of **Claim 8**, the examiner believes the rejection is proper. *Hideki* discloses an apparatus with a scanner portion and a printer portion that can move slidably relative to one another to eliminate the dampening mechanisms of clam shell design. However, *Hideki* does not disclose the internal components of the printer section because it assume a fully operational printer section is within the knowledge of one of ordinary skill in the art. *Goshima*, in the same field of endeavor by teaching a slidably moving original carriage relative to a printer section, discloses a fully functional internal components of the printer section, see of *Goshima*'s Fig 3 (shows a fully covered printer and scanner) and Fig 15 (shows a window into the inner components of the printer section). In order to reach into the printer portion to change the developing portion or the cartridge as shown in Fig 15, the scanner part must be out of the way. As such, the examiner modified *Hideki* with *Goshima* to produce an apparatus that removed the scanner section in a horizontally slidable fashion as suggested by *Hideki* to expose the internal components of the printer section as shown in Fig 15 of *Goshima*. Finally, the examiner thanks the applicant for being concerned with the well being of *Goshima*'s internal components and please do allow the examiner to assure the applicant that the internal components of *Goshima*'s internal components are safe from harm because the patent office would not have issued a patent to *Goshima* in 1980 if the inventors of *Goshima* invented an apparatus that would allow harms to its own internal components and therefore be disabled, as required by 35 USC 101 utility and 35 USC 112 enablement requirement.

**Claim 9** is not allowable because Claim 1 is not allowable.

With respect to the argument set forth against the rejection of Claim 10, the examiner maintains that *Hideki* does not teach away from the applicant's invention as argued in Claim 28.

Applicant's argument and amendment to Claim 11 is persuasive, rejection under 35 USC 102(b) is withdrawn in view of rejection made under 35 USC 103(a). See rejection below.

Claim 12 is not allowable because Claim 11 is not allowable.

With respect to the argument set forth against the rejection of Claims 12-13 and 15-17 the examiner points to the following case laws:

See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.);

See also *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice).

Applicant's placement of the shaft and track is an obvious matter of design choice because the applicant has not disclosed that disposing the shaft and tracks within the base housing provides any advantage over the tracks disposed on top of the base housing of the prior art. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with tracks disposed on top of or in the base housing

because the scanner part can move slidable relative to the printer part just as well; it makes no difference in term of performance and functionality.

See also *CMI Corp. V. Lakeland Construction Co.*, 184 USPQ 721, 727 (N.D.Ill. 1975) (The claimed invention would work equally well with the two cylinders, which effectively operate as one. Both the single cylinder of the claim and dual cylinders of the prior art accomplished the same result, viz., supporting the road building machine. The single cylinder appears to offer no advantage over the prior art's dual cylinders; it makes no difference in performance which arrangement is employed).

Furthermore With respect to the argument set forth against the rejection of Claim 17, viewing in light of Drawing 1 and Drawing 2, how can the applicant argue in good conscience that there is no bearing surface to receive the roller shaft? Drawing 2a speaks for itself. Note that Scanner portion is labeled numeral 1 and the printer section is labeled numeral 2.

With respect to the argument set forth against the rejection of Claims 14, the examiner had review Figs 6-7 as invited by the applicant and the examiner failed to see how the *Hideki* reference fails to teach the complimentary angled on a track and rail. As it can be observed from *Hideki's* Drawing 2, the shaft and the rail (equivalence thereof) have complementary angled surface inhibiting vertical disengagement of the scanner bed on both side the apparatus. Once again, the difference between disclosure of Fig 6-7 and *Hideki's* Drawing 2 is purely superficial and that of design choice, whereas the functional and structural similarity is substantially equivalent.



**With respect to the argument set forth against the rejection of Claim 18,**

*Johnson* demonstrated that it is very well known to one of ordinary skill in the art at the time of the invention to employ a button for a user to actuate in order to lock an apparatus in a stabilized position. As such, one of ordinary skill in the art would be motivated to use this configuration to actuate the locking mechanism of *Goshima* so that *Hideki* as modified by *Goshima* would have means to lock a slidably moving scanner bed in place.

**With respect to the argument set forth against the rejection of Claims 19 and 20,** the applicant had timely challenged the examiner's official notice and as such, the prior art for this well known concept should be set forth in the rejection of Claims 19 and 20. See the rejections of Claims 19-20 below for details.

**With respect to the argument set forth against the rejection of Claim 21, *Fuller*** is analogous in that it discloses an apparatus with movable internal components, just like *Goshima* and the applicant's invention and that it discloses a locking mechanism in the structure as required by the claimed limitation; by doing so, it demonstrated that the claimed limitation is notorious well known ever since the early 1900 and that one of ordinary skill in the art is capable of employing this mean for locking at the time of the invention, as such, the claimed limitation does not possess an inventive concept. The applicant is correct to point out the manner in which the components are when in motion and had therefore implicitly admitted that prior art applied in this rejection is proper because sliding motion is classified as motion and radial motion is classified as motion and any means to enable such motion are analogous in nature.

With respect to the argument set forth against the rejection of Claim 22, it is quite clear that *Goshima* discloses in Col 17, Row 48 and on with respect to Figures 15 and 17 that in order for the cartridge or developer to be replaced, a clearance as shown by Fig 15 must be maintained so that a person may reach inside and perform the necessary operation. If the overall apparatus is shown as a completely covered apparatus of Fig 3, then there must be a removable cover. As such, the examiner modified *Hideki* with *Goshima* to produce an apparatus that removed the scanner section in a horizontally slidable fashion as suggested by *Hideki* to expose the internal components of the printer section as shown in Fig 15 of *Goshima*. Again, *Goshima* does not have to teach the slidable scanner bed because *Hideki* teaches it and *Goshima* merely has to teach all the internal components of the printer section which *Hideki* inherently have. As a result, the combined apparatus clearly discloses an open position revealing a cartridge changing station in said base housing in Fig 15 and Fig 17, which corresponds to the invention shown in Fig 3 of *Goshima*.

With respect to the argument set forth against the rejection of Claim 23, the examiner modified *Hideki* with *Goshima* to produce an apparatus that removed the scanner section in a horizontally slidable fashion as suggested by *Hideki* to produce a window that exposes the internal components of the printer section as shown in Fig 15 of *Goshima*.

With respect to the argument set forth against the rejection of Claims 24 and 25, viewing in light of Figs 4, 15-17 of *Goshima*, there exist a cover that insulates the developing portion from outside exposure. In order to change the cartridge or developing portion, that cover must be removed so that the window of Fig 15 is shown. Once that is done, a person may reach inside to change the developing portion by refueling developing liquid 70 at the

bottom of the printer section as shown in Fig 4. Again, the examiner's understanding of a cover is basically a harden shell that insulates the inner components of printer section and it must be removed for the window to show in Fig 15, which is exactly what is shown in applicant's Fig 2. As such, the examiner modified *Hideki* with *Goshima* to produce an apparatus that removed the scanner section, which insulates and covers the developing device housed within the printer section, in a horizontally slidable fashion as suggested by *Hideki* to expose the internal components of the printer section as shown in Fig 15 of *Goshima*.

**The applicant has not challenged the examiner's official notice on the rejections of 24-25. Therefore, examiner's assertion of official notice is taken to be admitted prior art. See MPEP 2144.03, "If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate".**

**With respect to the argument set forth against the rejection of Claims 26 and 28,** as argued previously, biasing mechanism is simply a set of mechanism that facilitates the movement of scanner portion relative to the printer portion and *Hideki* discloses such mechanism as pointed out in the previous rejection. Applicant is correct that the examiner admitted *Hideki* does not disclose mechanical motors for moving the scanner bed but it does disclose such motion is driven by a person's innate strength in a manual manner. As such, the

components examiner pointed out facilitates or biases such manual movement of the scanner portion.

With respect to the argument set forth against the rejection of Claim 27 and the classical hindsight rejection argument, the applicant's disclosure shows springs within a pocket or a concaved region to facilitate biasing of the scanner bed whereas *Goshima* also discloses a pocket (**Fig 1 is prior art**) as well as springs (**Fig 44**) for facilitating biasing of a original carriage to be slidably moved. **Fig 1 is prior art, so is *Goshima***, and the examiner modified *Hideki* with *Goshima* to produce an apparatus that removed the scanner section in a horizontally slidable fashion as suggested by *Hideki* to expose the internal components of the printer section as shown in Fig 15 of *Goshima*. As far as the examiner is concerned, the point of having springs in this device is to facilitate the biasing of scanner bed portion and the print portion so as to be moved slidably, where the springs are located are a matter of design choice and superficiality.

See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.);

See also *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice).

Unless the applicant can articulate a particular advantage of having springs in a pocket has over that of *Goshima*'s placement of springs, the rejection is that of a classical design choice rejection and therefore the rejection is proper.

**With respect to the argument set forth against the rejection of Claim 28,** the applicant argued that *Hideki* teaches away from applicant's invention. The examiner respectfully disagrees. The applicant's invention is directed toward a slidable scanner bed. *Hideki* teaches a slidable scanner bed to eliminate the need to open and close the scanner bed in a vertical fashion, exactly the same reason as the applicant's reason for inventing a slidable scanner bed for eliminating the disadvantages of clam shell designs, whereas the scanner bed of *Hideki* also performs substantially the same function of a scanner lid. Furthermore, the applicant claimed "a scanner bed slidably connected to said base housing having a pivoting scanner lid" whereas pivot is defined as a "pin, point, or short shaft on the end of which something rests and turns, or upon and about which something rotates or oscillates" by [www.dictionary.com](http://www.dictionary.com), which is exactly what scanner section 1 is, an oscillating or pivoting scanner lid resting on the printer section 2. Finally, *Hideki* disclosed opening the scanner bed in such a manner is to eliminate the use of dampening mechanisms, which is the spirit of both the applicant's and *Hideki*'s invention, whereas scanning book is mentioned as one example of secondary consideration. As such, the teachings of *Hideki* demonstrated that the prime inventive concept, disclosed or claimed, does not possess novelty or inventive step.

**With respect to the argument set forth against the rejection of Claims 29-31,** these claims are not allowable for the reasons stated above.

**With respect to the argument set forth against the rejection of Claim 32,** Hideki classified the device of Drawing 1 and 2 as slide-type breaker style in Paragraph 10 and 13. The examiner is confused as to how the applicant was able to interpret it as two different embodiments? Per biasing mechanism, same as the reasons stated above. Limitations from the specification are not read into the claim.

**With respect to the argument set forth against the rejection of Claim 33,** the examiner agrees with the applicant that all inventions must be read as a whole. As such, the examiner's reason for making obviousness rejection is as follow:

**Hideki** discloses a slidably moving scanner bed for exactly the same reason the applicant does, to eliminate disadvantage of clam shell design, comprising a scanner bed as well as a printer section moving slidably relative to each other. It is inherent that **Hideki** discloses a fully functioning printer section with all the internal components but didn't mention it because that is not the focus of **Hideki's** invention.

**Goshima** discloses a slidably moving original carriage relative to that of the printer portion as well as all the details of the printer portions and the mechanisms that enable the slidably moving motion. As a secondary art, it is not necessary to teach a moving scanner bed because **Hideki** already teaches. It merely has to teach the internal components and the various springs and mechanism necessary for slidably moving two portions of an apparatus which **Hideki** inherent has and is demonstrated to be well known to one of ordinary skill in the art at the time of the applicant's invention.

Furthermore, exposure means anything that is outside of the copying apparatus including light that might be harmful to the internal components. That's why in Fig 1 and 3,

the apparatus has cover means to insulate the internal components from outside exposure. However, to change the cartridge or development portion, the cover must be removed and the window of Fig 15 is revealed so as to allow a person to reach inside and change the development portion. As such, the examiner modified *Hideki* with *Goshima* to produce an apparatus that removed the scanner section in a horizontally slidable fashion as suggested by *Hideki* to expose the internal components of the printer section as shown in Fig 15 of *Goshima*. Fig 1 is indeed prior art, so is *Goshima*. Anything disclosed by *Goshima* is fair game as far as notoriety is concerned to one of ordinary skill in the art. Unless the applicant can demonstrate the disadvantages of *Goshima*'s prior art includes the pocket (**which is also a matter of design choice**) of Fig 1, all relevant rejections are proper. Lastly, *Hideki*, *Goshima*, and the applicant's invention disclose image processing apparatus with slidably moving sub-components and therefore are in the same field of endeavor.

**With respect to the argument set forth against the rejection of Claim 34**, the examiner had reviewed the locking mechanism of tab 62 and tapered catch 64 of Fig 3, it appears to be a locking mechanism upon actuation of lock button 80, specifically "the button 80 engages a vertical edge of the catch 64 so that the scanner bed is locked in the closed position preventing the generally horizontal sliding motion of the scanner bed 70. When moving from the open position shown in FIG. 2 to the closed position, the button 80 will engage the tapered portion of the catch 64 as the scanner bed 70 is slidably closed and the tab 62 will move downward until the button 80 locks on the vertical side of the catch 62." So in essence, once a home position is reached for maintenance, button 80 is engaged so that tapered catch 64 activate a mechanism (**which is not further clarified in the disclosure**)

that locks the scanner bed in place. This is substantially the structural and operational equivalence of *Goshima's* disclosure in Col 30, Rows 31-61, once a home position is reached, control ring 628 of Fig 46 restrains or engages one end 633 of spring brake 615 so that no movement is permitted (**Col 30, Rows 44-61**), i.e. original bed is caught in a locked position. The examiner does not see any difference between the disclosed invention and the prior art operationally and structurally.

*See In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.);*

*See also In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice).*

Applicant's manner in which the locks are design is an obvious matter of design choice because the applicant has not disclosed that the manner in which the scanner bed is locked provides any advantage over the manner in which the original carriage is locked of the prior art. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the manner in which sub-components of a peripheral device is locked as taught by the prior art because the locking of one sub-component that moves slidable relative to another sub-component would work just as well; it makes no difference in term of performance and functionality.



See also *CMI Corp. V. Lakeland Construction Co.*, 184 USPQ 721, 727 (N.D.Ill. 1975) (The claimed invention would work equally well with the two cylinders, which effectively operate as one. Both the single cylinder of the claim and dual cylinders of the prior art accomplished the same result, viz., supporting the road building machine. The single cylinder appears to offer no advantage over the prior art's dual cylinders; it makes no difference in performance which arrangement is employed).

**Claim 35 is canceled therefore no response from the examiner is required.**

With respect to the argument set forth against the rejection of Claim 36 and the classical hindsight rejection argument, the applicant's disclosure shows springs within a pocket or a concaved region to facilitate biasing of the scanner bed whereas *Goshima* also discloses a pocket (**Fig 1 is prior art**) as well as springs (**Fig 44**) for facilitating biasing of a original carriage to be slidably moved. **Fig 1 is prior art, so is *Goshima*.** As far as the examiner is concerned, the point of having springs in this device is to facilitate the biasing of scanner bed portion and the print portion so as to be moved slidably, where the springs are located are a matter of design choice and superficiality.

See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.);

See also *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice).

Unless the applicant can articulate a particular advantage of having springs in a pocket has over that of *Goshima*'s placement of springs, the rejection is that of a classical design choice rejection and therefore the rejection is proper.

**Claim 37** is not allowable because Claim 36 is not allowable.

**With respect to the argument set forth against the rejection of Claim 38-39**, from the examiner's perspective, rail 7a is a bar or post and roller shaft 6 is position between rail 7a. The examiner had changed the rejection from that of 102(b) to 103(a) in view of applicant's change to Claim 28, the limitation "therein" constitutes a matter of design choice to which no advantage of this particular mode is disclosed and that the prior structure performs the functional and structural equivalent of both the claimed and disclosed invention. Furthermore, Claim 39 does not appear to indicate that bearing members are within the base housing. Even if it is, the examiner will reject it under 35 USC 103(a) as matter of design choice so long as the structure of *Hideki* performs the functional and structural equivalence of the disclosed invention and that the applicant has not disclose any advantage of using applicant's design vs. that of *Hideki*'s design.

**Claims 40-41 and 48** are not allowable because Claim 28 is not allowable.

**With respect to the argument set forth against the rejection of Claim 42**, the applicant is reminded that the prior arts are not to be read separately and must be read as a whole. The applicant had timely challenged the examiner to provide prior art for the spring loaded button and as such, the prior art shall be provided. See the rejection of Claim 42 below.

The applicant is reminded that none of the prior arts can be read alone and must be read in combination. *Hideki* as modified by *Goshima* already discloses an image processing apparatus with a scanner part and a printer part that can move relatively to one another in a slidable and horizontal manner. All other prior arts are brought in to modify the combination of *Hideki* and *Goshima*, therefore the secondary prior art merely has to teach image processing apparatus with movable sub-components similar to that of *Hideki* and *Goshima* but not necessarily a scanner portion that can move horizontally slidable relative to one another.

**With respect to the argument set forth against the rejection of Claim 43-47, as a secondary reference, *Goshima* need not disclose the slidable scanning bed. It merely has to teach what *Hideki* does not mention and that which is inherent. *Goshima* demonstrates that using an automated mechanism to slidable move one portion of the apparatus relative to another is notoriously well known. It would've been obvious to adopt the mechanical mechanism of *Goshima* to move the scanner bed of *Hideki* relative to the Printer portion for the reasons set forth in the previous office action.**

**With respect to the argument set forth against the rejection of Claims 45-47, they are not allowable as explained in the argument presented above.**

**Claim 48 is indicated as not allowable for the reason stated above.**

In conclusion, the examiner believed that all rejections made under 35 USC 103(a) over *Hideki* in view of *Goshima* are proper and therefore all rejections are maintained.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 28-32 and 39-41 are rejected under 35 USC 102 (b) as being anticipated by ***Hideki (JP 09-189972 A)***.

**Regarding Claim 28, *Hideki* discloses a slidable scanner bed for a multi-function peripheral, comprising:**

**a base housing (**Drawing 1, Fixed Printer Section 2 and see Paragraph 0010**);**

**a scanner bed slidably connected to said base housing having a pivoting scanner lid (**Drawing 1, the scanner bed and the scanner lid are one and the same in the example disclosed by the prior art where the scanner bed rests on a short shaft on the end of the printer section on which the printer section moves relative to the scanner bed when slidable movement is actuated**);**

**an interface device releasing said scanner bed from a locked position (**Drawing 2, and see Paragraph 0014, roller shafts with rollers attached**); and,**

**a printing component positioned internally of said base housing (**Paragraph 0010, Printer Section 2 contains all the printing components for executing printing process**).**

a biasing mechanism disposed between said base housing and said scanner bed  
**(Drawing 2 (b), Rollers 5, Roller Shafts 6, and rails 7 and see Paragraph 0014)** for  
biasing said scanner bed from one of a first position and a second position to the other of said  
first position and said second position upon actuation of said interface device **(Drawings 1-  
4)**.

**Regarding Claim 29, Hideki** discloses the slidable scanner bed further comprising at  
least one rail depending from said scanner bed **(Drawing 2, rails 7 and see Paragraph  
0014)** slidably engaging at least one track molded in said base housing **(rails 7 are engaging  
the roller shaft 6 via rollers 5)**.

**Regarding Claim 30, Hideki** discloses the slidable scanner bed further comprising  
said at least one rail being first **(Drawing 2, Rail 7a)** and second rails **(Drawing 2, Rail 7b)**  
and said at least one track being corresponding first **(Drawing 2, Roller Shafter 6a + Roller  
5a)** and second tracks **(Drawing 2, Roller Shafter 6a + Roller 5a and Paragraph 0014)**.

**Regarding Claim 31, Hideki** discloses the slidable scanner bed further comprising  
said first and second rails depending from said scanner bed **(See Drawing 2a, both rails are  
depending from Scanner Section 1)**.

**Regarding Claim 32, Hideki** discloses the slidable scanner bed further comprising at  
least one rail extending from said base housing and slidably engaging at least one track  
formed in a lower surface of said scanner bed **(Drawing 2 (b) and see Paragraph 0014, rail  
7a extending from Printer Section 2 and slidably engages roller shaft 6a via roller 5a)**.

Regarding Claim 39, *Hideki* discloses the slidable scanner bed further comprising bearing members depending from said scanner bed and slidably engaging said guide shafts (Drawing 2 (b), the horizontally oval bearing members for slidably engaging roller shafts 6).

Regarding Claim 40, *Hideki* discloses the slidable scanner bed further comprising a sliding mechanism defined by vertical walls (Drawing 2a, roller 5 + roller shaft 6 and rail 7) extending from an upper portion of said base housing along a front edge (Drawing 2a, for example front edge being edge that roller shaft 6c is attached to) and a rear edge (rear edge being where roller shaft 6a is attached to).

Regarding Claim 41, *Hideki* discloses the slidable scanner bed further comprising said front edge and said second edge being substantially parallel (Drawing 2a, the vertical edges are parallel to each other).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-17, 22-23, 26-27, 33-34, 36-38, and 43-48 are rejected under 35 USC 103 (a) as being unpatentable over *Hideki (JP 09-189972 A)* in view of *Goshima et al. (US 4192608 A)*.

**Regarding Claim 1, *Hideki* discloses a multi-function peripheral, comprising:**

**a base housing (Drawing 1, Fixed Printer Section 2 and see Paragraph 0010);**

**a scanner bed (Drawing 1, Migration Scanner Section 1 and see Paragraph 0010)**

**slidably positioned on said base housing (see Drawing 1); and,**

**said scanner bed being slidable between a first position (Drawing 4, Close Position) and a second position (Drawing 1, Open Position).**

**a biasing mechanism interposed between said base housing and said scanner bed (Drawing 2 (b), Rollers 5, Roller Shafts 6, and rails 7 and see Paragraph 0014) for biasing said scanner bed to one of an open position or a closed position (Drawing 1).**

*Hideki* does not explicitly disclose a second position revealing a cartridge changing station within said base housing.

*Goshima*, in the same field of endeavor of image processing apparatus with slidably moving sub-components, discloses a slidably moving original carrier.

*Goshima* discloses a second open position (**Fig 15, the position where original carrier is slidably moved into an open position as illustrated in Fig 1, with the cover removed**) revealing a cartridge changing station within a base housing (**Fig 15, and see Col 17 Rows 36- Col 18, Rows 42, specifically Col 18, Rows 21-42**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to incorporate the structure of *Goshima* for the design of the printer portion contained within a base housing of *Hideki* so that at a second open position the scanner position would move slidably off to the side and the internal components of the base housing can be revealed whereas the motivation would've been to "provide a copying apparatus which permits the developing device to be taken in and out of the machine body" (*Goshima*, Col 6, Rows 38-40) as well as to eliminate the disadvantages of convention breaker or clam shell style of opening and closing scanner portions relative to the printer portion (*Hideki*, Paragraph 4).

**Regarding Claim 3, *Hideki* discloses the multi-function peripheral further comprising rails depending from said scanner bed (Drawing 2, rails 7 and see Paragraph 0014).**

**Regarding Claim 4, *Hideki* discloses the multi-function peripheral further comprising tracks extending through said base and slidably engaging said rails (Drawing 2 (b), roller shafts 6 slidably engaging rail 7 via rollers 5 and see Paragraph 0014).**



**Regarding Claim 5, *Hideki*** discloses the multi-function peripheral further comprising said base housing having a cover with at least one rail extending from said cover **(See Drawing 1 and Drawing 2, the cover of fixed Printer Section 2 act as physical support for the rollers, roller shafts, and the rails).**

**Regarding Claim 6, *Hideki*** discloses the multi-function peripheral further comprising at least one track positioned in a lower surface of said scanner bed and slidably receiving said at least one rail **(Drawing 2 (b), and see Paragraph 0014, tracks/roller shaft 6 slidably receives rails 7 via Roller 5).**

**Regarding Claim 7, *Hideki*** discloses the multi-function peripheral further comprising said slidable scanner bed being moveable between a first closed position **(Drawing 4, closed position)** and a second open position **(Drawing 1, opened position).**

**Regarding Claim 8, *Goshima*,** in the same field of endeavor but discloses a slidably moving original carrier, discloses an open position **(Fig 15, the position where original carrier is slidably moved into an open position as illustrated in Fig 1, with the cover removed)** revealing a cartridge changing station within a base housing **(Fig 15, and see Col 17 Rows 36- Col 18, Rows 42, specifically Col 18, Rows 21-42).**

**Regarding Claim 9, *Hideki*** disclose the multi-function peripheral further comprising said scanner bed being horizontally slidable along said base housing **(Drawing 1 and see Paragraph 0010, “B shows the closing motion direction slid in a longitudinal direction on either side”).**

**Regarding Claim 10, *Hideki* disclose the multi-function peripheral further comprising a scanner lid hingedly attached to said scanner bed (**Drawing 1 clearly depicts a handle for opening a lid of the scanner, in this case, the scanner portion is also the lid. Of course, this is for exemplary purpose only whereas the spirit of the invention is that of a scanner bed that moves horizontally slidably relative to a printer portion**).**

**Regarding Claim 11, *Hideki* disclose a slidable scanner bed for an image recording apparatus, comprising:**

**a base housing (**Drawing 1, Fixed Printer Section 2 and see Paragraph 0010**);**

**a sliding mechanism connecting said base housing to a slidable scanner bed (**Drawing 2 (b), Paragraph 0014, Rollers 5**); and**

**an interface device interposed between said base housing and said scanner bed to one of allow or prevent travel of said scanner bed (**Drawing 2 (b), Paragraph 0014, Roller Shaft 6**);**

**a cartridge changing station disposed within said base housing and beneath said sliding mechanism (**Drawing 1 and see paragraph 10, printer section 2 must inherently have a cartridge changing station disposed within in order to have the ink to print materials and since the entire printer section is beneath the sliding mechanism, whatever inside of the printer section is also beneath the sliding mechanism**);**

**said slidable scanner bed movable from a first position wherein a cartridge changing station is hidden by said slidable scanner bed (**Drawing 4, one can not see the cartridge****

**changing station)** to a second position where the printer section is made accessible by a user upon actuation of said interface device (**Drawing 1**).

*Hideki* does not disclose said slidable scanner bed movable to a second position where the cartridge station is made accessible by a user upon actuation of said interface device.

*Goshima* discloses a cartridge changing station disposed within a base housing (**Fig 11, developing device 206 and see Col 15-16 whereas the photosensitive drum 201 clearly indicated that the structures of Fig 11 corresponds to the structure of Fig 4**) and beneath a sliding mechanism that slides an original carriage out of way to an open position (**Fig 4, the developing device is located beneath the sliding mechanism**);

a second position where the cartridge station is made accessible by a user upon actuation of said interface device (**Figs 3-4 and Fig 15, Fig 3 discloses a fully insulated printer section with a developing device embodied within with an original carriage on top hiding the developing device from plain view. It is only through Fig 4 that one clearly sees a developing device. Therefore, in order to see the window of Fig 15 so that one can reach inside to change the developing device, original carriage must be out of way**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the slidable scanner bed structure of *Hideki* with the printer structure with a developing device of *Goshima* in order to provide an apparatus that can slidably move the scanner bed to an open position to reveal the cartridge station inside whereas the motivation

would've been to provide an superior mode of moving the scanner part out of the way by eliminating the disadvantages of conventional clam shell or breaker style apparatus (*Hideki*, Paragraph 4-9).

Regarding Claim 12, *Hideki* disclose the slidable scanner bed further comprising said sliding mechanism having at least one rail depending from said scanner bed (Drawing 2, rails 7 and see Paragraph 0014).

Regarding Claim 13, *Hideki* disclose the slidable scanner bed wherein said sliding mechanism further comprises at least one track in said base housing slidably receiving said at least one rail (Drawing 2 (b), and see Paragraph 0014, tracks/roller shaft 6 slidably receives rails 7 via Rollers 5).

Regarding Claim 14, *Hideki* disclose the slidable scanner bed further comprising said at least one rail (Drawing 2, rails 7 and see Paragraph 0014) and said at least one track (Drawing 2 (b), roller shafts 6 and see Paragraph 0014) each having at least one interfacing angled surface inhibiting vertical disengagement of said slidable scanner bed from said base housing (Paragraph 0018, the object of the invention is to eliminate the need of "fall from the upper part in the breaker style of the vertical direction" of conventional scanner + printer multi-functional peripheral apparatus).

Regarding Claim 15, *Hideki* disclose the slidable scanner bed further comprising at least one rail extending from said base housing and at least one track located within a lower surface of said scanner bed (Drawing 2 and see Paragraph 0014, rail 7 extending from

**Printer Section 2 and Roller Shafts 6 located within a lower surface of Scanner Section**

1).

Regarding Claim 16, *Hideki* discloses the slidable scanner bed wherein said sliding mechanism further comprises at least one guide shaft extending within said base housing (Paragraph 0014, Roller Shaft 6 acts as both track and the shaft that guides the rollers in either the forward or reverse direction when the scanner section starts to slide).

Regarding Claim 17, *Hideki* discloses the slidable scanner bed further comprising said scanner bed having at least one bearing surface receiving said guide shaft (See Drawing 1).

Regarding Claim 22, *Hideki* does not disclose a cover extending across an upper opening in said base housing.

*Goshima* discloses a cover extending across an upper opening in a base housing (Fig 1, Cover is on. Fig 15, Cover is off. Fig 2, Cover with Original Carriage Guidance Rail 2 and 3 contain there upon that covers the Development Portion from exposure).

*Hideki* and *Goshima* both disclose an apparatus with a scanner portion and a printer portion contained in a base housing.

It would've been obvious to one of ordinary skill in the art at the time of the invention incorporate the structure of *Goshima* for the design of the printer portion contained within a base housing of *Hideki*, to include a cover extending across an upper opening in said base housing whereas the motivation would've been to enable insulate the internal components of the printer section from exposure.

Regarding Claim 23, *Goshima* discloses a cover having a window therein (Fig 15, a window that provides an opening for reaching inside).

Regarding Claim 26, *Hideki* discloses the slidable scanner bed further comprising said scanner bed having a biasing mechanism interposed between said scanner bed and said base housing (Drawing 2 (b), Rollers 5, Roller Shafts 6, and rails 7 and see Paragraph 0014).

Regarding Claim 27, *Goshima* discloses a base housing (Fig 3, Apparatus Housing 25) with biasing mechanism being springs disposed within the original carriage (Fig 44, Spring 613) and a pocket (Fig 1, see the pocket between track 2 and 3).

While *Goshima* does not disclose the pocket contain the springs therein, it would've been obvious to one of ordinary skill in the art to disposed the biasing springs within said pocket and incorporate such arrangement of spring-within-pocket into the device of *Hideki* so that the scanner section would be slidably moved from open position to close position or vice versa.

Regarding Claim 33, *Goshima* discloses a housing cover (Fig 1, Cover is on. Fig 15, Cover is off) on a base housing (Fig 3, Apparatus Housing 25) having a window revealing a cartridge changing station of said printer component (Fig 2, Cover with Original Carriage Guidance Rail 2 and 3 contain there upon that covers the Development Portion from exposure).

Regarding Claim 34, *Goshima* discloses said housing cover (Fig 44) having a slide lock comprising a tab and a tapered catch, said slide lock retaining said scanner bed in a closed position (Col 30, Rows 13-30).

Regarding Claim 36, *Goshima* discloses a base housing (Fig 3, Apparatus Housing 25) with biasing mechanism being springs disposed within the original carriage (Fig 44, Spring 613) and a pocket (Fig 1, see the pocket between track 2 and 3).

While *Goshima* does not disclose the pocket contain the springs therein, it would've been obvious to one of ordinary skill in the art to disposed the biasing springs within a pocket and incorporate such arrangement of spring-within-pocket into the device of *Hideki* so that the scanner section would be slidably moved from open position to close position or vice versa.

Regarding Claim 37, *Goshima* discloses an original carriage having a clip depending therefrom for engaging said biasing spring (Fig 44, Engagement Member 612 and see Col 30, Rows 20-25).

Regarding Claim 38, *Hideki* discloses said base housing having posts therein and guide shafts positioned between said posts (Drawing 2, the post is the bar that provides a fulcrum or support a Roller Shafts 6).

Regarding Claims 43-47, *Hideki* does not explicitly disclose a mechanical method in which the scanner bed is moved from one position to the other and a push-button actuated electromagnetic latch.

*Goshima* discloses the following

a push-button actuated electric solenoid (**Fig 47, Solenoid 631, Col 30, Rows 62-68**) releases a biasing force to move said scanner bed upon actuation of said electric solenoid (**Col 31, Rows 1-12, once the lock is removed, the biasing force generated by Motor M allows the original carriage to attain a designated velocity**) ;

a motorized opening mechanism (**Col 30, Rows 1-12, Motor M**) and  
an electrical push-button (**Col 30, Rows 1-12, Copy Button**), said electrical push-button actuating said motorized opening mechanism (**Col 30, Rows 1-12**) and

a push-button actuated electromagnetic latch releases a biasing force to move said scanner bed upon actuation of said electromagnetic latch (**Fig 45 and see Col 30, Rows 26-60, which performs the functional and structural equivalent of a latch and which is electro-magnetic in nature. And see Col 31, Rows 1-12**)

an original carriage being actuated by a motor (**Col 30, Rows 1-5**);

an actuatable electromagnet (**Fig 47, Solenoid 631, Col 30, Rows 62-68**) for moving an original carrier from a first position to a second position (**Col 30, Rows 1-12**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to incorporate a motorized mechanism of *Goshima* into the apparatus of *Hideki* in order to slidably move the scanner portion from one open position to a close position without manual labor, thus sparing users from any physical inconveniences.



Regarding Claim 48, *Hideki* discloses the slidable scanner bed further comprising said scanner bed being manually slidably operated between open and closed positions (Paragraph 0008, roller section which is a means to perform slide closing motion).

8. Claims 24-25 are rejected under 35 USC 103 (a) as being unpatentable over the combined teachings of *Hideki* (JP 09-189972 A) and *Goshima et al.* (US 4192608 A) in view of what is well known in the art.

Regarding Claims 24 and 25, *Hideki* does not disclose where said base housing further comprises a cover with said cover including at least one snap hook and a button engaging said snap hook.

*Goshima* discloses base housing further comprises a cover (Fig 2, Cover with Original Carriage Guidance Rail 2 and 3 contain there upon that covers the Development Portion from exposure).

However, it is well known to one of ordinary skill in the art to employ a snap hook engaged to a button for locking and unlocking a mechanism in position (Official Notice).

Therefore it would've been obvious to one of ordinary skill in the art at the time of the invention to employ snap hook engaged to a button so as to enable a user to manually open and closing a cover that shields internal components of printer portion from exposure.

9. Claim 18 is rejected under 35 USC 103 (a) as being unpatentable over the combined teachings of *Hideki* (JP 09-189972 A) and *Goshima et al.* (US 4192608 A) in view of *Johnson et al.* (US 5791792 A).

Regarding Claim 18, *Hideki* discloses the slidable scanner bed (**Drawing 1, Scanner Section 1 and see paragraph 0010**) with interface device (**Drawing 2, and see Paragraph 0014, roller shafts with rollers attached**).

*Hideki* does not disclose wherein said interface device further comprises a button extending through said scanner bed.

*Johnson* discloses a button build onto an interface depressible by a person with the purpose of locking an internal component of a typewriter in position so that a process may be performed (**Col 7, Rows 14-24**).

*Hideki* and *Johnson* both disclose printing apparatus or peripheral device with moving internal components.

It would've been obvious to one of ordinary skill in the art at the time of the invention to incorporate a button, for the purpose of locking a moving component in position as suggested by *Johnson*, into the combined apparatus of *Hideki* and *Goshima* whereas the motivation would've been to lock the scanner bed in either open position or close position.

10. Claims 19-20 are rejected under 35 USC 103 (a) as being unpatentable over the combined teachings of *Hideki* (*JP 09-189972 A*), *Goshima et al.* (*US 4192608 A*) and *Johnson et al.* (*US 5791792 A*) in view of *Wakabayashi et al.* (*US 5659459 A*).

Regarding Claim 19 and 20, *Johnson* does not explicitly disclose a button having a first tapered engagement surface at an end of said button adjacent said base housing and a second tapered engagement surface.

*Wakabayashi* discloses an interface device (**Fig 2, cartridge 503 and see Col 10, Rows 1-14, with buttons accessible to a person for locking and unlocking a cover to reveal the components insulated inside**) comprising a first tapered engagement surface at an end of said button adjacent a base housing of the cartridge and a second tapered engagement surface (**Col 12, Rows 32-41, one button provided at each side of the upper cap 150, which must be remove to reveal the internal components**).

*Wakabayashi* demonstrated a concept that is notoriously well known to one of ordinary skill in the art to have locks on a first tapered engagement surface at one side of a cover (**in *Hideki's* case, the scanner bed**) and a second tapered engagement surface at the opposite side of the cover as well as button for locking and locking the cover in place.

It would've been obvious to one of ordinary skill in the art at the time of the invention to incorporate a button having a first tapered engagement surface at an end of said button adjacent said base housing and a second tapered engagement surface, for the purpose of locking a moving component in position as suggested by *Johnson*, into *Hideki* and *Goshima* whereas the motivation would've been to lock the scanner bed in either open position or close position to either insulate the internal components of printer section from exposure or to expose the internal components long enough for a person to change the developing device or cartridge.

11. Claim 42 is rejected under 35 USC 103 (a) as being unpatentable over *Hideki* (**JP 09-189972 A**) in view of *Watanabe* (**US 4779141 A**).

**Regarding Claim 42, *Hideki* does not disclose a spring-loaded button.**

*Watanabe* discloses a spring loaded button for locking and unlocking a cover of an illumination device (**Fig 4 and see Col 7, Rows 31-44**) in which the cover moves in a slidable manner (**Col 7, Rows 45-56**).

Therefore it would've been obvious to one of ordinary skill in the art at the time of the invention to have spring loaded button so as to enable the user to press it down to lock the scanner portion in a predetermined position and press it up to unlock the scanner portion from a predetermined portion.

12. Claims 21 are rejected under 35 USC 103 (a) as being unpatentable over the combined teachings of *Hideki (JP 09-189972 A)*, *Goshima et al. (US 4192608 A)*, *Johnson et al. (US 5791792 A)* in view of *Fuller (US 1753288 A)* and what is well known in the art.

**Regarding Claim 21**, none of the references discloses a snap hook formed in said base housing cover for engaging said button at one of said engagement surfaces.

*Fuller* discloses a snap hook for locking a machine, in this case a cash register, in a position where normal operations are prevented (**Page 5, left column, Rows 5-31**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to incorporate a snap hook for engaging a button at one of its engagement surfaces, so as to prevent normal machine operation as suggested by *Fuller* whereas the motivation would've been to enable the maintenance of the machine's internal components by locking the scanner bed in open position and thus preventing normal operation from disturbing maintenance processes.

*Conclusion*

13. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

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RZ<sup>2</sup>  
02/04/2008



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